

1905-048 Chancery Causes: William S. Sage vs. Adms. of J. W. Glass & Co.
Lee Co.

Robinet, Baker, Maness, Hickam, Duff

CA-Contract Dispute
T-Property

To the Hon. H. A. W. Skeen, Judge of the
Circuit Court for Lee County, Virginia.

Your Orator, William S. Sage,
would respectfully represent; That
on the 15th day of April 1898, he
made, by parole, an exchange
of certain lands with one
J. W. Glass. The track your Orator
exchanged for & in consideration of
the track hereinafter described
is described as follows, to-wit.
all that certain track or parcel
of land lying in Lee County
Va near Stickleyville on the
North side of Powell's Mountain &
bounded as follows, to-wit Beginning
at the Branch at the G. C. Duff
land, thence up the branch to a
marked Willow, thence to a marked
Beech, thence to the Top of Powell's
Mountain, thence West with the top
of said Mountain to said Sage's
West line, thence with Sage's west
line to G. C. Duff's land, thence
with G. C. Duff's land to the beginning,
Containing about 60 acres more or less
being the West end of a Track
of land devised to your Orator
by Samuel Sage by Will dated
day of 18 & recorded in
the Clerk's Office of the Lee County Court
in Will Book No page

and reference is hereby made to said
Will for a more particular description
of said land from which said 60
Acres is Taken, and the Tract of land
your Orator got in exchange for
the above described land, from
said J. W. Glass, is described as
follows, to-wit: All that certain
tract of land lying in Lee County
Va near Stickleyville, being the
same land formerly owned by
W. W. Sage & adjoining the lands
of Sampson W. Sage & R. D. Young
Containing about 90 acres more or less
& reference is hereby made to the
deed to W. W. Sage for a more
particular description of said land
& being the same land conveyed
by Special Commissioner D. C. Sewell to
said J. W. Glass, in the Chancery cause
of A. L. Pridmore vs William W. Lamberth
et al, by deed dated Nov 13th 1896 &
reference is here made to said last named
deed for a more particular description of
said land.

Immediately after the date of the
said contract of ^{the} exchange of said
lands each of said parties took
possession of their respective tract
acquired under said exchange & have
held possession thereof ever since.

but no deeds of exchange have ever been executed between said parties for the lands exchanged as aforesaid.

Your Orator would further show your Honor that the said J. M. Glass departed this life intestate on the 15th day of Sept. 1900 and leaving surviving him a widow, Rebecca Glass, and the following his heirs at law, namely Rosa Fay Glass, who intermarried with William Robnett, Elizabeth Jane Glass, who intermarried with William Baker, Nancy Almedia Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass, all of said heirs were then and are now infants under the age of 21 years. That the said Rebecca Glass, the widow, departed this life intestate on Oct 2^d 1900, leaving surviving her, the same persons as her heirs at law; and that at the term of the County Court for Lee County Va. J. Howard Maness & John P. Glass qualified as the Administrators of the estate of the said J. M. Glass died and gave bond as such as required by law.

Your Orator would state that he has been ready & willing at all times since said Court to make and

* your orator alleges that the tract of land he sold to J. W. Glass, is now owned by H. C. Buff, J. W. Glass before his death having sold it to one J. H. Glass, but without recollecting that J. H. Glass sold it to H. C. Buff well knowing that said tract should be conveyed to Buff by your orator's wife and J. H. Glass and wife joining in the deed.

Only executed a deed to the said J. W. Glass or to his heirs for the said tract of land exchanged to him and said is now ready to do so & will file said deed herewith duly executed to such parties as the Court may direct.

The object of this Bill therefore is to specifically ~~perform~~ ^{contract} execute the said exchange of said lands and to extract the legal title from the said heirs of the said J. W. Glass deed for the tract of said land he got under said exchange & for this purpose to have a commissioner appointed to convey said land to him for & on the part of said heirs.

* The prayer therefore of your orator is the said Rosa Fay Robinson, and her husband, William Robinson, Elizabeth Jane Boken & her husband William Baker, Nancy Almida Glass, Howard Harrison Glass, Henry Sherman Glass, and Mary Josephine Glass and J. Howard Maney and John P. Glass administrators of J. W. Glass deed, be made parties to this Bill & be required to answer the same but ~~not~~ under oath that being waived, that a guardian ad litem be appointed to represent all the heirs of said J. W. Glass deed who are infants under the age of 21 years, that

the said contract of exchange of the said
lands be specifically executed and
the legal title to the lands your
Orator acquired be extracted from
the said Glass heirs and for this
purpose a commissioner be appointed to
make, execute & deliver to him a
deed conveying to your orator the said
tract of land he acquired under
said exchange for & on the part of said
Glass heirs, that an order of publication
be duly made, posted & published against
the said Elizabeth Jane Baker and
her husband, William Baker, who are
non-residents of the state of Virginia
And your Orator prays for all other,
further & general relief as is agreeable
to equity & the nature of this case re-
quires. May *supra* issue &c
and your Orator will ever pray &c

D. P. Sewell

William S. Sage

ds } Bills in chg - Conn

J. Howard Maness ^{Ex al} ~~Adm~~

Costs:

E. Clark - \$7.33
M. Clark - 6.53 Pd W.S. Sage
Atty. - 15.00
Shiff - 4.50
M. W. Ely - 5.00
D. C. Sewell - 5.00
G. A. L. - 5.00 M & Ely.
\$28.36

To the Honorable W. A. W. Sherr Judge of the
Circuit Court of Lee County Va.

The Joint answers of Rosa Fay, Robinett, Elizabeth
J. Baker, Nancy A. Glass, Howard H. Glass, Henry S.
Glass and Wm J. Glass, infants under the age of
twenty one years, by M. G. Ely their Guardian
ad Litem, assigned to defend them in this suit
to a bill exhibited against them and others, by
William S. Sage in the circuit court of Lee County,
These respondents, saving all just exceptions etc -
for answer to the said bill, say, that being
infants, they submit their rights involved
in the same to the protection of the court, and
pray that no decree be entered that would
prejudice their rights, And having answered
they pray to be dismissed &c -

Rosa Fay Robinett, Elizabeth J.
Baker, Nancy A, Howard H, Henry S.
and Wm J. Glass.

By M. G. Ely.

Guardian ad Litem

Sworn to before me by M. G. Ely - This
June 24th, 1901 -

A B Munsey Clerk

William S. Sage Plff

vs. E. E. Quaker & M. L. Ealy

^{E. E. Quaker & M. L. Ealy}
J. H. Mawood et al

Filed in open Court and
by leave thereof June
4th 1901

A. B. Murray Clerk

Fee \$5⁰⁰

William S. Sage Plaintiff,

Against) In chancery,

J. Howard Maness, and others, Adms and others Defendants,

This cause came on this day to be heard upon the papers formerly read in the cause, the amended bill of the plaintiff, the report of ~~e~~ Commissioner D. C. Sewell and deed filed therewith, process duly executed on all the defendant, ^{adult}, to answer the amended bill, and answer of Guardian ad litem, for the ^{infant} defendants duly sworn to, and general replication thereto, and was argued by counsel:

On consideration of which said amended bill as to the adult defendants, is taken for confessed, they failing to answer plead and demur, and the said report and deed of Commissioner D. C. Sewell is approved and confirmed, and the said William S. Sage may withdraw the same for recordation; paying said commissioner \$5.00 for executing the same; and it appearing to the Court from the amended bill that the tract of land described in the proceedings, sold by plaintiff to J. W. Glass in his life time, was before his ^{death} sold to L. G. Glass, and by L. G. Glass sold to G. C. Duff, who now owns the same, but no deeds have yet passed between the parties; it is therefore adjudged ordered and decreed that M. G. Ely who is hereby appointed a commissioner for the purpose will make and execute to G. C. Duff a deed of special warranty on the part of the children and heirs at-law of J. W. Glass dec. and that the plaintiff, William S. Sage and wife and L. G. Glass and wife join in said deed with M. G. Ely Commissioner, with covenants of General warranty, so as to make title perfect and complete to G. C. Duff, and said deed having been made and filed by said Ely, seen and inspected by the court, is approved and confirmed as to said commissioner, and said deed may be withdrawn by said William S. Sage for the purpose of execution by him and L. G. Glass, and then to be delivered to G. C. Duff for recordation, and the said Duff will pay to M. G. Ely Commissioner the sum of \$5.00 for executing said deed; and the court doth further decree that the costs of this suit be borne equally by the plaintiff and the estate of J. W. Glass dec, to be taxed by the clerk, for which execution may issue in favor of the Officers of the Court, and nothing further remaining to be done this cause is stricken from the docket.

William S. Sage Refr-
vs { Deafened -
J. Howard Mance, Chalmers Ref

Entered in C.O.B.
No 8, page 93 &c.

Enter this

J. A. W. S. L. M.

Dec. 14th 1905.

Wm S. Sage

vs

J. Howard Maness et al Admors.

On the calling of this cause and
on motion of Counsel for the Plaintiff
to amend his Bill making other
persons party defendants thereto and
it appearing proper to the Court
said Plaintiff is granted leave
to amend his Bill making such
parties as he is advised proper party
defendants. And this cause is re-
manded to Rules ~~to be set~~ for said
~~amendments~~ amendments to be matured.

Wm S. Sage
vs J. Bruce

J. Howard Manners et al ^{Attorneys}

Env. C.B. No. 7,
page, 484.

Enter this

H. C. W. Stone
May 23^d/904.

Wm S. Sage

11
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Wm S. Sage

against

J. Howard Munnis et al at a term.

Upon the calling of this cause
on motion of the Plaintiff
leave is hereby granted him
to amend his bill making
other and necessary parties
thereto and said cause
is hereby remanded to rules
for next said amendment
and maturing same at
rules.

June 5. Sage

as { Decree

J. Howard Mansel ^{Admrs.} et al

Entered on July

1873 No 7 P 265-

Enter this

Nov 9th 1903

J. A. W. Sherr

William S. Sage Plff.

against

J. Howard Manner Advers et al

} In chancery

On motion of the Plaintiff, M. G. Ely is appointed guardian ad litem to answer for the infant defendants and on his motion filed their said answer in open court and by leave thereof. And this Cause coming on to be heard upon the Bill of the Plaintiff, process duly served and accepted by the adult defendants and the answer of Rosa Fay ~~Robinet~~ Robinet, formerly Glass, Elizabeth J. Baker formerly Glass, ^{Walter Alvin Glass,} Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass, infant defendants and heirs at law of J. M. Glass, dec'd, by M. G. Ely their guardian ad litem and general replication thereto and was argued by counsel. On consideration whereof, it appearing that the adult defendants have failed to appear, answer to, plead or answer said Bill it is taken for confessed as to them and it appearing to the Court that there was a verbal exchange of land between the plaintiff and J. M. Glass in his life time as alleged in the Bill and that no deeds were ever executed between them, and that said contract of exchange should be specifically executed, it is therefore adjudged, ordered and

decreed that J.C. Sewell who is hereby appointed a Commissioner for the purpose, do make and execute a deed upon the part of the heirs at law of J.M. Glass, dec'd, namely Rosa Fay Robnett, William Robnett, her husband, Elizabeth Jane Baker William Baker, her husband, Nancy Almeda Glass, Howard Harrison Glass, Henry Sherman Glass and Mary Josephine Glass conveying to the plaintiff, William S. Sage the land in the Bill mentioned, being the land devised to the said plaintiff by Samuel Sage, by metes and bounds as in the Bill set out, with covenants of special warranty but to operate as general warranty against the said heirs of the said J.M. Glass, dec'd, and file the same in the papers of this cause to be delivered when the said plaintiff duly executes and delivers to the Administrators of said Glass, a and with general warranty conveying to the said heirs of J.M. Glass, dec'd, the land exchanged to the said Glass in his life time. And said Court ~~will~~ will report his action to the next term of this Court & the cause is continued.

William S. Sage

vs } bene

^{shall}

J. Howard Monro ^{Adm}

Entered on CCB
Nov. P. 5-76.

Enter this

Hawkins

June 7th/90/

W. S. Sage dropped with Wes Glass —
Wes Glass with ~~Dr. G.~~ Glass —
Now to Granville Duff —

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Rosa Lee Robinett and her husband William Robinett, Elizabeth Jane Baker and her husband William Baker, Nancy Almedie Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass heirs at law of J. W. Glass deceased, and J. Howard Maness and John P. Glass Administrators of the estate of J. W. Glass deceased

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3rd Monday in February 1901, to answer a bill in chancery, exhibited against them in our said Court for by William S. Sage

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 15th day of February 1901, and in the 12th year of the Commonwealth.

A. B. Munsey Clerk

A Copy

Listed, A. B. Munsey Clerk

Form No. 300.

vs.

}

SUBPOENA
IN
CHANCERY.

p. q.

To Rules,

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Rosa Fay Robinett and her husband William Robinett, Elizabeth Jane Baker and her husband William Baker, Nancy Almedie Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass heirs at law of J. M. Glass deceased and J. Howard Maness and John P. Glass Administrators of the estate of J. M. Glass, deceased

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3rd Monday in February 1901, to answer a bill in chancery, exhibited against them in our said Court for by William S. Sage

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 15th day of February 1901, and in the 12^{5th} year of the Commonwealth.

A. B. Munsey Clerk

Jm. S. Sage

vs. }

SUBPOENA
IN
CHANCERY.

J. Howard Manes et al. ^{Admrs}

D. L. Sewell p. q.

To *2nd Feby* Rules,
Circuit Court.

We accept legal service
of the within summons
this the 18th day of Feby
1901.

J. H. Manes
J. P. Glass ^{Admrs}
W. H. Bunker
W. P. Baker

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Rosa Fay Robinett and her husband William Robinett, Elizabeth Jane Baker and her husband William Baker, Nancy Almedia Glass, Howard Harrison Glass, Henry Sherman Glass, Mary Josephine Glass heirs at law of J. M. Glass deceased and J. Howard Maness and John P. Glass Administrators of the estate of J. M. Glass deceased

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules to be held for the said Court, on the 3rd Monday in February 1901 to answer a bill in chancery, exhibited against them in our said Court for by William S. Sage

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 15th day of February 1901, and in the 125th year of the Commonwealth.

A. B. Munsey Clerk

Teste: A. B. Munsey Clerk

A Copy

vs.

}

SUBPOENA
IN
CHANCERY.

p. q.

To *Rules,*

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rosa Fay Robinett, Wm. Robinett, Elizabeth Jane Baker, William Baker, Nancy Almedia Hickam, D. H. Hickam, Howard Harrison Glass, Henry Therman Glass, Ina Josephine Glass, heirs at law of J. W. Glass, dec'd, L. G. Glass and Granville Duff,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 1st Monday in September, 1905, to answer an amended bill in chancery exhibited against them in our said Court, by William F. Sage,

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 19th day of August, 1905, and 130th year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

William F Sage

VS

}

SUBPENA
IN
CHANCERY.

Rosa Tay Robnett
et-al

D.C. Surull p. q

Cost \$4 50

To 1st Sept- Rules.

Lee Circuit- Court.
1903-

Executed by delivering
a true copy of the
within notice. This
the 30 of August
1903, H.B. Short
nine copies \$4.00/D.S.

Cost 4 50